

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, July 18, 2012

6:30 P.M.

I. CALL TO ORDER

Chairperson Alfred Oldaker called the meeting to order at 6:30 p.m. Members present were Chairperson Alfred Oldaker, Vice Chairperson, Avi Braverman, Patrick Murphy and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors, Assistant Town Attorney Kathryn Mehaffey. Eleanor Norena, Senior Office Specialist was present to record the minutes of the meeting. Vice Chairperson David Chanon and Board member William Brady were absent.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of May 16, 2012

Mr. Murphy made a motion to approve the minutes of May 16, 2012. The motion was seconded by Mr. Yankwitt. The motion carried 4-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

There was no Town Planner report.

VI. NEW BUSINESS

Item #1: Site Plan Approval for 239 E. Commercial Boulevard to allow one residential unit

Item #1A: Flex approval for 239 E. Commercial Boulevard to allow one residential unit

Item #1B: Conditional Use Approval for 239 E. Commercial Boulevard to allow mixed use

Town Planner Connors reviewed the above three items in one presentation as detailed in the backup.

Chairperson Alfred Oldaker desired additional discussion under the mixed use category, specifically item number eight on page four, as it was significant.

Town Planner Connors continued her presentation, speaking on the details of item number eight on page four, as set forth in the backup. She believed a timeframe should be added for the receipt of the permit application, as she was aware the applicant had their permit application ready for submission knowing they had to go through the subject process. The applicant should be required to submit their permit application within 30 days and, within 60 days, they should receive a permit. Town staff would be given leeway to extend that timeframe.

Assistant Town Attorney Mehaffey indicated it might be best to apply for a building permit within a set number of days; she recommended giving the applicants 90 days to obtain the permit after submitting the permit application.

Town Planner Connors concurred, stating the applicant would have 120 days from the present day to apply and receive the permit.

Mr. Braverman asked for further clarification on flex units and why they were needed in the subject project.

Town Planner Connors responded the plan of the applicant was to add residential uses in a business district, which was classified as an incompatible land use. Broward County allowed municipalities such flexibility; that is, to use their quota of residential units wherever they chose to place them. With regard to the flex use, it was not an unlimited amount, as such flex use was only allowed if the municipal sought to increase density, such as where a district was residential at the rate of 25 units per acre and a developer hoped to increase it to 28 units per acre. In the subject case, the developer was in a residential area and desired a mixed use, and they could apply for use from the Town's limited quota of flex usage.

Chairperson Oldaker inquired as to the boundaries of zone 39, questioning if it was determined by Broward County.

Town Planner Connors affirmed this to be the case, and she could provide the Board with a map illustrating the Town's two zones, 24 and 39. She believed zone 24 covered mostly the annexed area of the Town, and zone 39 covered the remainder of the Town.

Mr. Murphy commented he wished the Board to consider the possibility of waiving the landscaping, as large pots sitting on the newly landscaped sidewalks might be obtrusive and not aesthetically pleasing. He suggested Town staff consult with the Miami team to see if they could suggest a plan that was more conducive to the subject surroundings.

Town Planner Connors pointed out the applicant's parking area was to the rear of the property, and they had only one foot to landscape after the required parking spaces were allocated. They would not be touching the front, as that was Town property.

Mr. Murphy questioned if there was a timeframe to complete the project, as there were a few commercial buildings around the Town that sat unfinished.

Town Planner Connors responded once a building permit was pulled in the Town, the developer had 18 months to complete the project, this was a requirement of the Town's Building Code.

Assistant Town Attorney Mehaffey affirmed this to be the case, adding there was also the process of keeping a building permit alive, so the Board has at liberty to impose a deadline for completion of the subject project. That is, for the developer to have final inspection of the project within 18 months from commencement of construction.

Town Planner Connors indicated Section 6-12 of the Town's Building Code applied, reading that portion of the code into the record. The 18-month period began running from the date of issuance of the first building permit.

Chairperson Oldaker reminded the Board the work for the subject project was all interior; there was no exterior work other than putting pots around existing parking spaces. Thus, the timeframe for completion would not have the same effect as it might on other commercial buildings.

Mr. Murphy concurred, stating unless the developer had trucks and other equipment sitting outside at the site, which could become a nuisance and an eyesore to existing businesses and the general area.

Town Planner Connors replied if no final inspection was done after 18 months, the Town's code staff would be at the site.

Chairperson Oldaker queried if the decision as to the matter of the potted plants would be left up to the Town Manager.

Town Planner Connors answered yes. This was similar to what the Board approved for Aruba Café's conditional use, whereby, the Board approved landscaping to the front of Aruba Café conditioned upon the Town Manager's approval.

Chairperson Oldaker asked and received no further input from the Board, suggesting all three items be approved in one motion. He opened the discussion to the public and the applicant and received no input.

Mr. Braverman thought the idea of having a flex use in a commercial zone was a great one, as oftentimes in cities, commercial areas became dead zones, as no one lived there and when businesses closed for the day, the area became deserted. Thus, to combine commercial and residential was progress, as this was a practice in the greatest cities of the world, and the Town should be no exception in following that trend. He hoped to see more of such applications coming to the Board for approval.

Mr. Yankwitt concurred.

Chairperson Oldaker made a motion, seconded by Mr. Yankwitt to approve Items #1, #1A and #1B as recommended and presented by Town staff. The motion carried 4-0.

VII. OLD BUSINESS

None

VIII. BOARD MEMBER COMMENTS

None

IX. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:00 p.m.

ATTEST:

Chairman Alfred Oldaker

Date Accepted: _____

Eleanor Norena, Board Secretary
